

OPEN MEETING MINUTES
Missouri State Board of Embalmers
and Funeral Directors

May 15, 2008 – 12:00 p.m.
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order James Reinhard, Chairman, at 12:10 p.m. on Thursday, May 15, 2008, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Board Members Present

James Reinhard, Chairman
Martin Vernon, Vice-Chairman
Gary Fraker, Secretary
Daniel (Todd) Mahn, Member – via conference call
John McCulloch, Member
Joy Gerstein, Public Member

Staff Present

Becky Dunn, Executive Director
Lori Hayes, Inspector
Pamela Schnieders, Administrative Assistant
Kimberly Grinston, Board's Legal Counsel

Closed Meeting

Motion was made by Joy Gerstein and seconded by Gary Fraker to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition.

May 15, 2008 – 1:00 pm

The meeting of the State Board of Embalmers and Funeral Directors returned to open session on Thursday, May 15, 2008. The open meeting was called to order by James Reinhard, Chairperson, at 1:00 p.m., at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Board Members Present

James Reinhard, Chairman
Martin Vernon, Vice-Chairman

Gary Fraker, Secretary
Daniel (Todd) Mahn, Member – via conference call
John McCulloch, Member
Joy Gerstein, Public Member

Staff Present

Becky Dunn, Executive Director
Lori Hayes, Inspector
Pamela Schnieders, Administrative Assistant
Kimberly Grinston, Board's Legal Counsel

Public Present

Darlene Russell, self
William Bennett, MFDEA
Chris Follis, MFDEA
Don Otto, MFDEA
Bill Stalter, Stalter Legal Services, LLC
Chris Kaiser, MFDA

James Reinhard introduced John McCulloch to members of the public. Mr. McCulloch was appointed by Governor Matt Blunt to replace Marcia Shadel who served on the board since 1998. Mr. McCulloch owns American Pre-Arranged Services, Inc. in Jefferson City.

Approval of Agenda

Motion was made by Martin Vernon and seconded by Todd Mahn to approve the open agenda. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition.

Chapter 436.021

September 2007, the board discussed concerns relating to Chapter 436.021 Requirements for sellers. Is a preneed seller in need of a trust for registering with the board, versus using insurance or joint accounts? Should the board require proof of having a trust when submitting annual report? The board voted to notify all preneed seller registrants, in writing, by October 31, 2008, that all preneed sellers must have a trust. December 2007, the board revisited Chapter 436.021 Seller Trust and voted to table this issue. April 2008, the board revisited Chapter 436.021 Seller Trust, and voted to request an official opinion from the Attorney General's Office relative to trust requirements.

The board again visited Chapter 436.021 Seller Trust. A motion was made by Gary Fraker and seconded by John McCulloch to withdraw the April 9, 2008 meeting motion of requesting an official opinion from the Attorney General's Office relative to trust requirements.

A motion was made by Gary Fraker and seconded by Joy Gerstein to require proof of having a trust, pursuant to 436.021 Seller Trust. The motion further included that certain funds may be in joint account in lieu of trust, pursuant to 436.053, and require a preneed provider registration only. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition.

MFDEA Convention

Don Otto provided the board with an agenda for the Annual Convention for the Missouri Funeral Directors and Embalmers Association, to be held June 1-4, 2008, at the Lake of the Ozarks. Mr. Otto requested updated information on National Prearranged Services, Inc. for convention time.

Closed Meeting

Motion was made by Joy Gerstein and seconded by Gary Fraker to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition.

Adjournment

A motion was made by Martin Vernon and seconded by Gary Fraker to adjourn. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. The meeting adjourned at 2:25 p.m. on Thursday, May 15, 2008.

Executive Director: Buffy Dura

Approved by the Board on: March 30 - April 1, 2009